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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,626	03/30/2000	THOMAS MULLER	3926.004	7855

7590

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EXAMINER

YUN, EUGENE

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 03/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/509,626

Applicant(s)

MULLER, THOMAS

Examiner

Eugene Yun

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Drawings

1. The corrected or substitute drawings were received on 12/30/2002. These drawings are approved.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-3, 8, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Erten et al. (US 6,236,862).

Referring to Claim 1, Erten teaches a process for simultaneously receiving different radio standards, comprising:

-carrying out a superimposing of multiple various modulation types of the radio standard (see Claim 14 of Erten) and;

-carrying out a separation of the same by a subsequent digital signal processing (see fig. 16).

Referring to Claim 2, Erten also teaches the superimposing carried out in two frequency ranges (see Claim 14 of Erten).

Referring to Claim 3, Erten also teaches the superimposing of high-frequency signals carried out prior to the first mixing step (see col. 27, lines 13-20).

Referring to Claim 8, Erten also teaches an A/D conversion carried out prior to demodulation (see fig. 16).

Referring to Claim 9, Erten teaches a process for simultaneously receiving different radio standards, comprising:

-receiving and a superimposing multiple various modulation types of radio standards in a single radio receiver (see Claim 14 of Erten); and

-carrying out a separation of the same by a subsequent digital signal processing (see fig. 16).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erten in view of Ostman (US 6,069,923).

Referring to Claim 4, Erten does not teach the sum of the output of two narrow band oscillators is employed local oscillator for the first mixing step. Ostman teaches the sum of the output of two narrow band oscillators is employed local oscillator for the first mixing step (see 208a and 208b of fig. 2a and 308 of fig. 3a). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Ostman to said process of Erten in order to better minimize the parts of a receiver when receiving signals of different modulation frequencies.

Referring to Claim 5, Ostman also teaches that for each modulation type, one filter 204a and 204b (fig. 2a) and amplifier 202a and 202b (fig. 2a) is employed.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Erten in view of Krasner (WO 97/14056).

Referring to Claim 6, Erten does not teach that for all modulation types, a special HF-filter with level accommodation and band selection is employed. Krasner teaches that for all modulation types, a special HF-filter 3 and 4 (fig. 1A) with level accommodation and band selection is employed (see pg. 5, lines 7-8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Krasner to said process of Erten in order to better minimize the parts of a receiver when receiving signals of different modulation frequencies.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Erten and Krasner in view of Kim (US 5,963,592).

Krasner teaches a superimposing of a CDMA-encoded signal (GPS signal in fig. 1A is an example of a CDMA-encoded signal). The combination of Erten and Krasner does not teach the superimposing of a OFDM-encoded signal. Kim teaches the superimposing of a OFDM-encoded signal (see col. 1, lines 47-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Kim to said process of Krasner in order to better use one circuitry for two different radio standards.

Response to Arguments

8. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (703) 305-2689. The examiner can normally be reached on 8:30am-5:30pm Alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William G Trost can be reached on (703) 308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703)


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872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Eugene Yun
Examiner
Art Unit 2683

EY
February 27, 2003


WILLIAM TROST
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